

**BUTTE-SILVER BOW LOCAL GOVERNMENT  
STUDY COMMISSION**

**Minutes of the Meeting  
September 22, 2005**

**Butte-Silver Bow Courthouse, First Floor Conference Room**

**Meeting Date:** September 22, 2005

**Time:** 5:30 p.m.

**Place:** Butte-Silver Bow Courthouse, First Floor Conference Room

**Call to Order:** Chairman Bob Worley brought the meeting to order at 5:36 p.m. and called roll with the following results:

**Members Present:** Tony Bonney, Ristene Hall, Wayne Harper, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley

**Excused Absences:** Shag Miller

**Approval of Minutes:** Minutes from Sept 15<sup>th</sup> will be approved next meeting.

**Comments from Ron Rowling:** No comments

**Citizen's Comments** –None. Bob Worley commented that Ron has been working on some things that they all have a list of regarding contacting some out of town people. Bob Worley stated that some items have been added to the list and they will get those from Ron just as soon as he has answers.

**Items not addressed:** Cindi Shaw stated that as study commissioners, they are not there to give opinions of their own but to study the government. Cindi commented that she wished Shag Miller were there because she feels it is important they do not undermine their positions with personal agendas. Cindi again stated that they, as Study Commissioners, are there to study, learn and present to the public. The second thing is to make sure speakers keep to a time limit and keep on track. Cindi commented that the last two meetings the charter was on the agenda and it is something that still has not been reviewed.

Bob Worley replied that she is right and that they are headed in that direction. Bob mentioned that there were two other speakers, one that had requested time and one he thought they should give time to being Fritz Daly and John Ray. The Superfund is one of the most important issues they are going to face. Bob Worley commented that he would like to move forward and get into the workings of the charter with the idea that they can complete their review and have it on the June primary. Chairman Bob Worley explained to Cindi that the two previous meetings with John Ray and Fritz Daly were important and they needed to make time to hear their comments regarding Superfund. Bob Worley stated as they move forward with studying the charter if anyone has in mind a speaker that they might need to call back to bring it to his attention.

Ristene Hall commented in response to what Cindi Shaw had to say, she agrees with Cindi but knows that they are there for the citizens. Ristene stated that the citizens are the ones who put them there. The citizens go to them with their complaints. Ristene stated it is the citizen's complaints that they need to find solutions to in order to please the citizens.

Bob Worley asked if there were any other comments not addressed on the agenda. Bob mentioned the issue of the golf course and the information that was requested by the Study Commission members. Bob Worley stated that he spoke with Bob Rowling on Tuesday, September 20, 2005. Bob Rowling told him they review that contract every three years. Bob Rowling stated they really would prefer not to see a different pro there every three years but if there are problems, they will address those kinds of things. Bob Rowling is going to get him a copy of the contract and the financials for the golf course. Bob Worley

stated they should have that information by October 17, 2005. Bob Worley stated that Dawn is preparing the financials and should be done by then. Bob Worley asked Bob Rowling about problems and he replied that it seems to be more personal conflict.

Bob asked if everyone had a copy of the charter. Bob started with reviewing the preamble of the charter. Bob Worley commented that they discussed changing the wording of the preamble to reflect their thoughts in accordance with economic development. Bob Worley asked Northey Tretheway if he had a chance to visit on that. Northey stated that he called Evan Barrett again and talked to him. He told Northey that he would provide something but Northey has not yet received anything. Northey suggested that if he does not receive anything by their next meeting, he would put something together and put it out there for discussion. Northey stated he has the information in the notes of what he suggested they might want to put in there. Bob Worley asked if anyone else has any suggestions on how they might change the preamble. Bob Worley asked everyone if it would be all right to wait for Northey to come up with something.

Cindi Shaw asked what it was that he was checking on about economic development. Bob Worley replied if she remembered when Evan Barrett spoke to them and he suggested that the preamble include information that would head the government of BSB more towards economic development. Bob Worley stated that they would just wait for Northey to present something before reviewing the preamble.

Bob moved forward with Section 1.01-Names. No suggestions were made regarding changes. Bob went over section 1.02-Jurisdiction (county and municipal powers)

Northey suggested that they review and read the charter starting back with the preamble.

Bob Worley commented, after reading the preamble, they are going to add something to it in regard to the city engaging in or promoting economic development.

Cindi asked if anyone knew what Article 11, Section 5 states. Northey commented that he would look into it and they moved forward with their review.

Chairman Bob Worley then moved forward to have them review Article 1-Names and Boundaries. Nobody had any comments in making changes to Article 1, Section 1.01.

Bob then reviewed Article 1, Section 1.02-Jurisdiction as a political subdivision of the State.

- b. County Powers
- c. Municipal Powers

Bob Worley commented that Walkerville is an entity of its own and has its own government. Dorea stated that the Study Commission in Walkerville is having a public meeting on Tuesday, Sept 27, 2005 at 6:30 p.m. or 7:00 p.m. at the town hall.

Bob Worley moved on to Article 2-general provisions, Section 2.01-Powers of Government. Bob Worley commented that he does not know what these Articles are and asked if they have State Law anywhere? Northey replied that they have State Law but this is the constitution. Bob Worley asked if they are to assume that they are right? Northey replied that there is nothing they can do about it if it is State Law. Northey commented that they could access the codes fairly easy if they want to get copies of it. Northey stated that there are large parts of State Law in there. Nobody had any comments.

Bob Worley moved forward with Article 2, Section 2.02-Limitations of Self-Government Powers.

Cindi Shaw mentioned the article in the newspaper last Thursday where it mentions Part 1 of Title 7 and includes the statement of the Wrongful Discharge Employment Act. Bob Worley replied that he had read that. Bob stated as he has been reading these articles, he has been trying to keep in mind if there are any parts of the general provisions that would effect what they are currently doing in regard to "serving at the pleasure of". Bob wondered if there was anything they could find in the general provisions of the constitution where something is right or wrong. Bob asked if anybody had an idea on that and asked that

they speak up because they could use that information. Bob asked Cindi if she had anything further on that. Cindi replied that in the article it mentioned this judge that was judging on behalf of the plaintiffs. Cindi stated that in the article, this judge stated that the county charter, itself, clearly defines its limitations and those limitations apply to the entire document that is stipulated by the county and must follow Part 1 of Chapter 1 Title 7 which is included the state's Wrongful Discharge Employment Act.

Bob Worley stated that the Wrongful Discharge Employment Act is probably one of the things they are going to have to watch. Bob Worley stated that he finds it interesting that the County Attorney and Council of Commissioners did not address this before this type of situation occurred. Bob stated that it sounds like something Bob McCarthy should have brought to the Council of Commissioners and said, "Hey we have a problem. We need to address this."

Ristene Hall commented that she just pulled up on the Internet the governor's appointing powers to see what his powers are. Ristene stated that it is vague but it states, except as otherwise provided in this constitution, or by law, each department shall be headed by a single executive appointed by the governor subject to confirmation by the Senate to hold office until the end of the governor's term unless sooner removed by the governor. Ristene stated that maybe they could review the way it is worded. From that, they may be able to change the wording in the charter.

Northey Tretheway replied last week, when they got into a discussion on this, it was brought up that they are under contract, the appointees of the governor. The difference being is that the appointees of the governor have a more significant ability to go outside of government to do things that somebody from BSB does not have. Northey stated that they are under contract, as far as he understood, which is different then here.

Chairman Bob Worley clarified what Northey was trying to say by explaining that people are coming in appointed by a governor. They probably have the ability to go back out into the public and secure a job if their powers or job within the government should end. Bob stated it has been felt, on the local level, that people possibly do not have those same kinds of abilities. People intend to get involved in state government and the Butte people that are from other areas will move back to that area where somebody that may be appointed to job in BSB probably will want to stay in Butte or will be a life long citizen of BSB.

Bob Worley stated that it is interesting with that type of thing because he visited and knew those things were available but there seems to be a difference; a real split in government when you leave local and go to state.

Ristene Hall stated that she agrees with that but thinks that is on this end of the spectrum. On the other end if someone accepted the job, they would know if it is only for four years; if they did not do a good job. Our Chief Executive is not term limited. He/she could go on forever so that job could go on forever. If they did a good job or chose to stay there, she does not totally agree with his reasoning because it could be a forever job. It is not a cut and dry four- year job.

Bob Worley replied that he agrees with Ristene. He believes anybody that is doing a good job, at the local level, regardless of who they are appointed by should stay. Bob Worley commented that BSB has a lot of people appointed by the previous Chief Executive that are still serving in that job. Bob Worley commented that they are probably still serving because they have done a good job. Bob commented that the Wrongful Discharge Act is protecting these people.

Northey replied that if someone is not doing the job right or good, they are not fully protected as far as he understands. Northey continued if one is not doing his/her job, you could begin a process that ultimately gets you to the same point you need to be. The process does have to be conducted the right way. It cannot just be that person is fired or terminated. Northey commented that one has to be competent in his/her job and perform the job duties as outlined in his/her job description. It takes a process to get there; you cannot circumvent that process.

Chairman Bob Worley spoke about the Human Resource Manager, Maggie Peterson at Montana Tech. They had visited about this particular situation with Paul and the proper releasing of people that are serving under government and how that process is carried out. If they need to have more information, she will come and present to the Study Commission.

Tony Bonney commented that the difference between being appointed and for the sake of discussion he used for an example, the Public Works Director. As a union employee, there is certain guidelines setup. As a non-union employee, for the county, there is certain guidelines setup. Tony commented, as management, when you are appointed to a position you accept, as long as he/she accepts the salary, he/she accepts some of the conditions that go with it on a management level. Tony felt if they need to define that there are certain ways that are already defined. The non-union employees, the union employees, they are all defined. There is a system that they need to go through before someone could be let go. Tony's thoughts were it should be the same at the state and federal level. If one accepts this responsibility, it goes with the job when one takes a position like that. Tony stated it works the same way, if they find something better, they are not held here. If one gets a job on the local level, you get a chance to go to the state or federal level. They are not held here as a management position. Regardless of the benefits or disadvantages, if they need to define that as an appointment then that is something they need to work on.

Bob Worley replied that he did not believe there was anything they could do until there was a decision handed down from the judge. At that time it will be, for the most part, clearly defined as to what a city/county can do in the Montana State Constitution.

Bob Worley moved forward with Section 2.03- Charter Supremacy

Bob Worley moved forward with Section 2.04- Interpretation of Powers

Northey commented that he thought he saw that somewhere in public law, anytime something has to go to a court to be decided this would almost make it sound like there is a question that should be resolved in favor of the power of the municipal, city or county. Northey asked who is that statement for?

Bob Worley replied if something like this goes to court...Northey asked whom are we trying to tell? The powers that they are granting unto us are to be resolved in favor of the existence of our own power and authority? Northey asked whom are we telling that to? Are we telling that to the state? Northey commented that it may be a small issue but it seems like it is redundant. Northey commented that he was not sure if he saw this somewhere in the laws of the state. Something similar to this that stated self-governing powers.

Bob Worley replied that self-governing powers should be resolved in favor of the power authority, in other words, our local government. Bob Worley commented that it seems there is a real contradiction between state law and local law. Northey replied that he did not know if there was or not. Northey commented that state law is supreme and any doubt as to the existence of powers shall be resolved by the courts? Northey stated that he did not know. Northey commented that he did not know what that statement was trying to achieve.

Ristene Hall commented that it is stated exactly word for word in the 76th and 86th charter.

Dave Palmer commented maybe that is something they should ask Bob McCarthy what the reasoning for this insertion is.

Cindi Shaw mentioned going into section 2.02, to find out what Part 1 of Chapter 1 of Title 7 says since that states what the limitations are. Cindi asked Ron if he could get the MCA Part 1 of Title 7 and Part 1 of Chapter 1 that outlines the limitations of self-governing powers.

Northey stated that they are online when he had to look them up. Northey stated that you could get every one of the chapters and verses in there if you want to.

Bob Worley moved forward with Section 2.05-Oath of Office

Bob Worley moved forward with Article 3-Legislative Powers and the other sections as follows:

Section 3.01-Powers and Structure

Section 3.02-Organization

- a. Composition
- b. Qualification

Meg Sharp asked about the council members who live out of town most of the year. Meg Sharp asked if they physically need to live within his/her district or could they live out of town? Tony stated as a county employee, one has to live inside the county and he assuming...Northey Tretheway asked if she was wondering if that needed to be a requirement? Meg Sharp replied that there is one member of council that does not live in Butte most of the time. Cindi Shaw read from the charter that he or she needs to be a resident of the district for six months. Meg stated that this council member does maintain residency but does not live in Butte. Wayne stated that this council member could do that. Tony asked if that is something they should change? Meg Sharp replied that there should be something that requires a council member to live within the district for at least six months or more. Northey asked, wouldn't the people who are voting know that? Tony Bonney replied that he thinks people assume council members live within their district. Tony further commented that people employed with the city-county, there has been exceptions to that. Tony stated that there is an Attorney General's opinion that says it is not illegal to work for the county and be a county commissioner but if someone brought up that fact that person would have to resign.

Bob Worley commented in the laws of ...within the commissioners themselves, aren't the commissioners as members only supposed to miss so many meetings within a year? Bob asked isn't it something like 48 meetings and they can only miss four meetings?

Ristene Hall commented that she was thinking along the same line as Bob and maybe they should put something like that in the charter so the commissioner would stay active. Ristene replied to Bob's previous question that she does not know of any such thing in regard to a commissioner's attendance of meetings.

Bob Worley commented that he agreed with Meg Sharp and they should not be electing people that are not residing within his/her district at least half of the time.

Ristene Hall replied that she knew the person that Meg was speaking of and this person in question, as to her residency, is very active and does a lot as a commissioner.

Bob Worley asked the members if this was something they want to address as far as the members of the council of commissioners be required to attend a certain number of meetings?

Cindi Shaw asked how would one monitor a person's residency?

Bob Worley replied that he was not speaking of monitoring somebody that lives in the house but the number of meetings they would need to attend. Bob commented that people a lot of times live at an address but may not reside there very much.

Northey Tretheway thought that putting quotas or limits on someone who has been elected to a position, it should be up to the elector to decide if someone has attended enough meetings. Northey stated that would be something an opponent would bring up if he/she only attended two out of eight elections.

Bob Worley asked if everyone was happy with the qualification portion of the charter? Chairman Bob Worley read that section of the charter over again.

Tony Bonney commented that might be a question for Bob McCarthy to see if that is in line with state law. Tony stated that he knows there is no state law that prohibits an employee from being a commissioner.  
(End of tape, side 1)

Northey commented that Ristene Hall had to resign from the commission in order to run for...

Ristene replied that she did not because her term was up and she would have had to run for either or.

Bob Worley commented that they do not want to make the charter so cumbersome that people will not run for this office.

Dave Palmer commented that the major reason for the wording in that section, is that the commissioners have control of their budget, which would be alleged for the department they are working for and that is the main reason why they are not allowed to be on the council.

Ristene Hall replied to Northey's question and stated that one does not have to resign.

Northey Tretheway replied that he thought someone brought something like that up and were talking along the lines of that.

Dave Palmer replied that their concern is if one is at the end of his/her four-year term and he/she wants to run for Chief Executive then you cannot run for council at the same time. Dave continued to state if one is in the middle of their four-year term and that person still has two years to go on the council and run for Chief Executive. If his/her term expires the same time as the term of the Chief Executive then you are prohibited from still being on the council.

Northey Tretheway asked what he was possibly suggesting was rotating terms? Northey stated it gives half of them a chance to run and the other half cannot.

Ristene Hall stated that was changed recently. It used to be that you could run for both. Ristene thought it was changed just in the last two-three years.

Northey Tretheway commented that maybe there is something they could do on this since half can run and half cannot. Northey felt there should be something done to equate that.

Dave Palmer suggested one thing that could be done is to make the Council of Commissioners term staggered. Then one person's term would not be up at the same time

Ristene stated in her case she had a choice.

Dave Palmer commented that there was nothing saying one could not run for two offices. Dave asked Ristene where she said that was changed. Dave further commented that one could not be elected and hold two offices.

Northey Tretheway replied so one could not run. Northey asked if one is elected to vote does that mean one is in two offices at the same time? Dave replied no. Dave stated if one were sworn in he/she would have to resign after the election before being sworn into the government.

Northey commented that someone who is not up for re-election could run for Chief Executive and have no problems.

Bob Worley commented that happened the last time with Mike Sheehy in the primary. Mike was defeated in the primary so he retained his seat. However, if he were one of the two that moved along to the general election and won that race, then he would have to resign his seat at the council.

Meg Sharp asked Ristene if in her situation, where she was eliminated in the primary, could she have mounted a write in candidacy to stay on the commission?

Ristene Hall replied that she could probably not because at the primary they had already chosen someone.

Tony Bonney commented that he thought she could with a certain amount of signatures on a petition.

Bob Worley stated that she chose to run for the Study Commission.

Ron Rowling stated that one month prior to the election, one has to declare a writing candidacy.

Bob Worley asked the members if this was something they wanted Ron to look into as far as state law is concerned or just get an opinion from Bob McCarthy?

Tony Bonney commented that it has not become a major issue.

Dave Palmer suggested handling the comments as they occur and Northey agreed. Bob agreed that they should address each issue as it occurs.

Bob Worley had everyone go back to Section 3.02-Organization  
a. Composition

Tony Bonney made a motion to change the number of commissioners from 12 to 8 so it would align with the legislative districts. Dave would like to make a substitute motion to keep it at 12.

Ristene Hall wanted to make a substitute, substitute motion to discuss this in more detail. Tony Bonney and Dave Palmer both withdrew their motions to keep this issue open for discussion.

Tony Bonney felt it should be changed to reflect the legislative districts. The reason for this is if it is changed to eight, do you change the compensation. Do you change the duties? Do you change their status from part-time to full-time? Tony commented that is part of the discussion. If they change the duties to larger districts, they need to change the compensation.

Wayne Harper felt Tony brought up a good point. If there are going to be fewer commissioners, should there be more money for the eight commissioners? Wayne did not know if they could work harder as eight then they could as twelve. Wayne stated the other issue they need to know is under Article 9. He thinks they would need to realign the districts lines and that is going to be expensive. Wayne Harper stated that they would have 12 people advocating against them. 12 people stating we have defined districts, stating it was just done in the last five years and now it is going to be realigned and it is going to be costly to redo it. It could be an uphill battle. Wayne stated in his opinion if they went to eight commissioners, it would be a cost saving measure. Wayne commented that he did not think they would win the battle for eight but felt it was more the right number.

Bob Worley asked if the legislative districts are realigned by the State of Montana or is that for the state only? Bob Worley asked Wayne if they would need to realign the districts within BSB? Wayne felt they would because it is his understanding that the eight includes six representatives and two senators. So senators are the whole town and the other six are six apportioned areas from his understanding.

Tony Bonney agreed with Wayne that it would be costly. However, they as a commission are not changing anything. They are just making recommendations to the voters. There are public concerns that have been brought forth to them. The people knew when they voted for the new jail proposal it would be costly but they still voted for it. Tony felt if the opinion is out there in the county, it is their responsibility to make it aware that the question has been raised and ask the public what they think about it. Tony stated they are going to have to do the education part of it no matter what suggestions they make in regard to the charter. They need to inform the public what the costs are going to be and educate them.

Northey Tretheway agrees with what has been said and thinks a smaller number of commissioners create more accountability and there is a positive to that. However, they have been told that every time this has been tried it has been shot down. Northey asked why they need eight and don't go to six. Why are eight the magic number and better than twelve unless they are trying to create more accountability? If that is the

case, Northey is for it but they need to realize that it is going to be more than just cost, it is going to be an uphill battle.

Ristene Hall commented that she is not sure if they tried to change the number of commissioners in the last two decades. Her idea is she would like to see the commissioners more involved in the government. Ristene commented that everyone in the commission has a daytime job and they get to attend night and council meetings but as far as what goes on in the local government all day long, the commissioners are not there. In the electrical incident, of the pizza place, if there had been a commissioner involved in the meetings, the commissioner would have said that decision needs to go before the council. The city of Butte has to decide. Ristene believed it has evolved to where the commissioners are not available when they should be available. Her idea is having full-time commissioners that are always available and attending the meetings so they know what is going on in the local government. They can bring that information back to their fellow commissioners. Ristene stated it is so easy with antonymous boards for decisions like that to get made and the commissioners did not even move on it. Her idea is not necessarily if they need less commissioners. Ristene commented that Butte is going to start growing and asked if it is really the time to start shrinking the number of commissioners? Ristene felt they need to be more involved in local government and need to have more said on how the money is spent. Every dime of the tax dollar should go before the council. Ristene commented that the council should not have to spend one more minute talking about potholes and dog problems. They should be spending their time watching the taxpayer's dime. It is hard when a commissioner is working full-time. If one ran for the full-time position, he/she is not going to be the person working full-time and it will eliminate who is going to run. Ristene feels there needs to be more involvement with the commissioners in general.

Bob Worley asked Ristene if she was advocating that all the commissioners be full-time or was she advocating that there part full-time and part part-time commissioners. Ristene stated that she did not know and would like to hear some more feedback.

Cindi Shaw replied that the fewer commissioners there are, the more of the pie you have to be responsible for and all of the commissioners each sit on various boards. As Ristene stated, they are on the cutting edge of decision-making. Cindi Shaw asked Dave Palmer if somebody told you that you could be full-time so you would be more in the cutting edge of decision making, would that make you a better commissioner? Dave replied probably not and there would probably be fewer people running unless a hefty salary was offered.

Tony Bonney replied that he agrees with Ristene that there should be full-time commissioners but there should also still be the option of someone from the local neighborhood running; the part-time commissioners. Maybe they should look at both full-time and part-time where it gives a person the option.

Wayne Harper commented that if there is a mix of full-time and part-time he would suggest it has to be citywide election because you could not have full-time unless he is going to be from his district.

Bob Worley asked if they should throw it out there that three full-time commissioners are elected at large. Then if they go back into the districts, elect those people that are paid to work on a part-time basis with the elected from the legislative districts?

Wayne replied that any full-time commissioner has to be citywide. Bob asked Wayne if he was not saying that full-time and part-time should be sitting on. He is just saying full-time? Wayne replied he was thinking either and he could see where the six legislative districts all have their own commissioner. Wayne stated that he is a firm believer that a tied vote should be from the Chief Executive, who is elected at large.

Bob Worley asked if they were back to the idea of two full-time commissioners and six commissioners from the legislative districts for a total of eight. In the event of a tied vote, it would be the Chief Executive to break it?

Dave Palmer stated that he is an advocate of keeping it at 12 and the best way to do that is go along with that proposal because it will never pass.



Bob Worley asked if they were making it too difficult for the people to understand.

Dave Palmer replied that it would be extremely difficult for the part-time commissioners when you have three full-time that are basically doing a bulk of the job except the part-time commissioner is responsible for the budget just as much as the full-time commissioners.

Tony Bonney stated that he does not see it that way. Tony stated that the two full-time commissioners would be advisors to the county and allow someone who has time to talk to a commissioner about his/her concerns. That commissioner on a full-time basis would have the ability to go to the meetings and tell fellow commissioners what is happening in the local government.

Dave Palmer commented that the commissioners are the legislative branches of the government. It was brought up about the power deal and if a commissioner was involved in that meeting, the Chief Executive does not want a commissioner there, he just wanted to talk to the Finance Director. They felt it was well within their prerogative to spend that money on economic development because the commissioners had already approved that money in the budget. They were just spending it. They felt they had every right to do that. Having 18 commissioners or one full-time commissioner or 10 full-time commissioners, it would not have made a difference. There has to be separation of powers.

Ristene Hall replied that she sort of understands what Dave is saying and this was McKenzie River Pizza but what if it was Paul Babb's uncle pizza? It would be a whole different attitude towards the people. What she is saying is, whatever money is being spent, the people need to know about it. The people are the ones who need to approve it before it is spent.

Northey commented that is not different from what Dave stated. If the Chief Executive thinks it is within his/her power to operate on their own and do not want to involve the commissioners, then what she is suggesting is that the council should look over even what the Chief Executive does all the time. It would be more like the framework of a city manager.

Ristene commented that the decision regarding McKenzie River needed to go before the council. If there was a law that stated that is what you have to do then you do not need a council member there watching over everything.

Northey replied it is a matter of interpretation and they did not think they needed to do that.

Tony Bonney replied this provides that option. Paul Babb never had that option. If Dave was still a commissioner he would have to find Dave on his job and said, "Dave this is the proposal." "McKenzie River pizza needs \$42,000 do you think" ...but he would have to find Dave at his job. This gives him the option to do it during the day.

Dave Palmer commented that the only people that could approve the contract are the legislative body of the county. That is where he was wrong. However, since he thought the money was already approved, he could spend it and he could have spent it but he entered into a contract without the approval of council. That is where he was wrong and it does not matter how many commissioners you have.

Bob Worley commented that he had a call from someone today that had opened a business here in town about three years ago and had to have NorthWestern Energy bring in some lines. The cost was around \$69,000. When he heard of what Paul Babb did, he immediately called Rocko and said, "Hey, me too." Bob Worley stated that Paul might have overstepped his boundaries. Bob Worley commented that he did not know how far they could get involved with this. Bob Worley stated that he knows they have to decide how many commissioners and they have their own set of by-laws.

Ristene replied that Paul did what he thought was right but felt that is where our government is lacking. There is no black and white procedure for Paul to follow and maybe that is something they can do as commissioners. They can see that a procedure gets written so nothing like that happens again.

Wayne stated even in Denver, towns where there are full-time commissioners. Their commissioners go through budgets and numbers they get. They don't get to hang out with the Chief Executive. Wayne stated that oversight would not gain anything. Wayne stated more importantly, Dave is exactly right. He doubts they could come up with 15 things from people, going back to the days of People's and up until now, that has really stood out where he stepped out of bounds. Furthermore the checks and balance was not there that the commission did not find out about. It either got corrected or worked out. Wayne stated that the separation of powers, Dave mentioned, is a real good reason to stay away. Wayne thinks it works. He is not sure it is the right number but he would lean away from the increased money to have full-time commissioners. He did not think the city or the constituents would go for it in his opinion. Wayne stated that the part-time works. It is people who want to be involved. Wayne stated that he did not think they could ever put something in writing that is going to say to the Chief Executive here is the marching paper that will make you do your job. Wayne stated that Don Peoples ran BSB so much differently then Paul Babb or Judy Jacobsen. Wayne stated that this charter worked pretty well for all of them. Wayne stated when they fly on their own kite is when trouble happens. Paul may have flown on his own kite with the termination language and he may have flown on his kite with the other thing but they both got corrected by the commissioners. Wayne commented that he felt separation was more important.

Dave Palmer commented in reference to Ristene's statement about the book of rules that the Chief Executive should follow. Dave thought that there is a book of rules and it has every ordinance that the council has ever passed; the legislative law. Dave felt it was important to have as much representation to the people as you can. Dave stated that BSB was getting a bargain, twelve commissioners for the price that they are paying. That is why he thinks it should be twelve part-time commissioners.

Tony Bonney agreed on the part-time commissioners and stated that it gets the person that is involved in there, the people that want to be involved in government. Tony commented that all he is referring to is the people of BSB that approach them and want them to look into changing the number of commissioners. Tony stated that they cannot do anything but they can make suggestions. Tony stated that he has heard numerous suggestions from people to look into the number of commissioners. Tony stated that he does not have anything against any of the commissioners and they do a great job. Tony stated that all he knows is he has had a number of people suggest that the number of commissioners should be changed. Tony stated that they just need to make a suggestion to the community and educate them.

Northey asked if they change it, why are they changing? Northey would like to know why it should be changed and what are they going to accomplish?

Wayne Harper stated that the people who have spoken in regard to this issue stated that the fewer the number of commissioners, the less the cost.

Bob Worley did not feel they were addressing a cost savings issue. He agrees with Northey on the accountability.

Dave Palmer commented that he disagrees with only having eight commissioners. The only comment he has about representation on the council is from a person that lives in Melrose. He felt it was unfair that the rural areas are represented by someone from the urban area. He wondered if there was something that could be done to either add another person or make sure that the rural area is represented by a rural person.

Bob Worley stated if they were doing something like that then they would do it through realignment of legislative districts. If they were going to do something, they would realign it so that all those small communities could elect one person amongst the group.

Meg would like to see eight commissioners from the existing legislative districts plus a ninth designated from the rural community as it is in the elementary school.

Ristene stated that she is not concerned about how many commissioners there are. She knows that the twelve of them worked hard and did some good things. However, she has seen where they were bypassed on some huge decisions and that is what concerns her. Ristene stated for instance there was a board that decided to give an individual \$750,000 to buy a building. The purchase and the idea were great but all she asked is why didn't that decision go before council? She sees the council as the citizens of Butte. She does not see the commissioners as twelve people making a decision, she sees the commissioners as representing the entire city of Butte. That is why she thinks these decisions need to go before the council. Ristene stated that she asked why that decision did not go before council and the answer she got was they are an antonymous board and it does not have to. It is the citizen's money. Why don't they ask the citizens? What is wrong with asking them? Northey asked what was it on? Ristene replied there was a million dollars put together for the renovation of the Sears building. Sato Travel was going to rent from the Sears building. Due to 9/11 they were not able to follow through with the project because people were no longer traveling. So Sato was going to stay small and stay here and grow. There was \$750,000 left from that money. The antonymous board decided to give it to one person to buy a building uptown. It worked out fine but ...

Bob Worley asked if it was a grant alone or was it a low interest loan? Ristene replied that she took it as a grant but when she asked questions, she was told it was a loan. Ristene asked if she could see the loan and could she see the update on the loan. She actually had that but there had not been any payments on it.

Northey asked if the Council of Commissioners are involved in approving an antonymous board? Don't they set the whole thing up so the Council of Commissioners are the ones who did that and it had nothing to do with the Chief Executive?

Ristene replied that the Council of Commissioners approves the board's budget but then she found out that they do not approve how it is spent.

Northey stated it seemed to him that is how it is supposed to work. Northey commented if they don't want an antonymous board, then don't have one.

(End of Tape 1)

Northey made the observation and stated that he was not really familiar on how government works. Northey asked if there is a coordination of goals and objectives between the commissioners and the Chief Executive at the beginning of every fiscal or for a period of several years? Northey commented that he gets the sense that one is going this way and one might be going the other way. Northey again asked if it is coordinated in any way or is it just lets manage the budget and lets enact laws. Northey asked are they coming together towards meeting or achieving something? Northey stated when he hears what happened with Babb and he hears the fight going on with the Council of Commissioners, it is like one is trying to do one thing and the other ones are busy talking about dogs or something else. Northey stated that nothing will get fixed tonight but maybe it is something that should happen so when opportunities come up like McKenzie River, they know what they are going to do and know how to handle it. Northey stated that the money that sits in the metal trust funds is an inefficient use of money. It just sits there and draws interest day in and day out. There is no plan for how the money is going to be used or utilized. We are going to run into these problems every time. Northey stated that it would continue to be an inefficient use of money. Northey thinks part of the problems they are running into about how the money is spent and who is overlooking it is because there is not a lot of coordination among the groups and what we are trying to achieve. Northey commented that maybe there is a different way they could bring that into the charter.

Bob Worley replied maybe that is part of the thing that should be written into the preamble, common goals and everybody heading into the same direction.

Cindi Shaw wanted to keep 12 commissioners and her reason is because if it is not broke don't fix it. If it were broke, she would like to know who thinks it is broke. Cindi also asked if it is really the number or is it the people who are holding those offices? Is it the number 12 that is not working or is it maybe they do not have the right people in there? Cindi commented that she really did not know if the number itself was

the cause of the problem. Cindi commented that you need to divide it out. There are less people per district so you can have part-time people. Cindi felt the good ones are conscientious and able to keep the job and do the job. Cindi again stated that she does not know if the number 12 is really the issue.

Ristene commented that these are some recommendations and reasons that the other study commission had. It does say with the adoption of self-government powers, it would also mean that the county would provide services directly rather than through the antonymous boards. It sounds like maybe they had the same problems. Ristene commented those were some of the questions she had for other counties.

Bob Worley stated that maybe they should find out more about antonymous boards.

Dave Palmer wanted to address Northey's question about are they going in the same direction. Dave stated that basically yes, its main goal is economic development for BSB. The council approves so much money for the economic development budget for the Chief Executive. That is set aside to use for economic development and then you give so much money to the URA for economic development. Dave commented that the antonymous board can approve their budget but the council does appoint those people. Sometimes one is on the council for four years and most people are on there for a lot longer. You never have the chance to say yes or no. Maybe the antonymous boards are the problem. Dave stated that he thinks it is working well it is just a major lack of communication. Northey agreed and also added that not only is it the major lack of communication but also is due setting the standard of objectives.

Bob Worley commented that they are burdening the commissioners with more decision-making in regard to contracts so they really have to take some of these things off the commissioners. Bob thinks they need to focus more on where they are going with the monies and spending instead of the other things such as, stop signs, potholes, dogs and so forth. It was discussed to put those into a complaint department.

Bob Worley asked if Mike could limit the things that go on the agenda?

Dave explained that one has to have a communication in and an agenda goes out Monday. The way the council is set up, any communication that goes will be presented to the council.

Tony commented that he did not think they would ever be able to eliminate the person that is calling the commissioner for a pothole. Maybe part of the problem is they need a clear opportunity for a commissioner to say, "Well we are not really dealing with that but I can direct you to who is."

Ristene commented that is where a complaint department, for the citizens benefit, be established and that is where they do their minor complaints.

Bob Worley asked if you give the Department Head of Public Works the authority to approve those issues such as adding a stop sign to an intersection?

Dave commented the way the communication gets to the Public Works Committee is anyone who writes in a communication by 9:30 Monday morning, the chairman goes down and reads all of the communications. If it says there is a stop sign needed at Garfield and Grand, for example, that is assigned to the Public Works Committee. The Public Works Director then has the communication sent to him and he writes a report on that to the Public Works Committee and that is how they act on that.

Northey asked how many times does the Public Works Director go before the council? Dave replied every first and third Wednesday is a regular meeting of council. The second and fourth week are committee of the whole meetings and at that time you have the Public Works Committee meet along with other committees. Northey asked if these committee meetings are talking about the operations of the Public Works Department. Dave replied no. Dave stated they are answering complaints from citizens and issues stated in the communications.

Northey asked isn't it up to Public Works to operate their business and to carry out the objectives that are set forth for them? They are spending time talking about the details all the time instead of just going over

the objectives and letting Public Works meet those objectives. They should then grade them at the end of the year. That is where a lot the commissioner's time is taken up. Northey commented that they should let them manage their job. That is why they were put there. You do not need 12 people or however many there are to manage that for him/her. They are not running that department. They assigned someone to do that.

Tony Bonney stated if that process worked we would not have a dog problem.

Bob stated that is where John VanDaveer is going with what he is trying to do right now. To have people within his department be responsible for their areas. Bob agreed with Northey that valuable commissioner time is being used to discuss dog problems.

Bob stated that they are still on the commissioner issue and since they do not have any speakers and it is 7:30 pm., he would to stop at this point. Bob stated he would like to keep the meetings to two hours in length. Dave Palmer had requested there not be a meeting next week because there is an important meeting at the civic center.

***Date of Next Meeting:*** Bob Worley scheduled next meeting for Oct 6<sup>th</sup>.

***Adjournment:*** Bob Worley moved and Wayne Harper motioned for adjournment. Dave seconded. Meeting adjourned at 7:33pm.